



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1766 Entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 1380 Westgate Drive (APN 027-420-09) from R-2, Residential Single Family, to PD(37), Planned Development Number 37, for Luca Place"

MEETING DATE: November 16, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1766.

BACKGROUND INFORMATION: Ordinance No. 1766 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 1380 Westgate Drive (APN 027-420-09) from R-2, Residential Single Family, to PD(37), Planned Development Number 37, for Luca Place" was introduced at the regular City Council meeting of November 2, 2005.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

A handwritten signature in black ink, appearing to read "Susan J. Blackston".

Susan J. Blackston
City Clerk

SJB/JMP

Attachment

APPROVED:

A handwritten signature in black ink, appearing to read "Blair King".

Blair King, City Manager

ORDINANCE NO. 1766

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE
OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY
REZONING 1380 WESTGATE DRIVE (APN 027-420-09) FROM R-2,
RESIDENTIAL SINGLE FAMILY, TO PD(37), PLANNED DEVELOPMENT
NUMBER 37, FOR LUCA PLACE

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

2.18 acres located at 1380 Westgate Drive (APN 027-420-09) are hereby rezoned from R-2, Residential Single Family, to PD(37), Planned Development Number 37, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk. (File No. Z-05-02, John Costamagna, Applicant).

Section 2. The Planning Commission adopted Resolution No. P.C. 05-31 recommending approval of this request for a rezone at its meeting of September 28, 2005, following a duly held public hearing, at which appropriate documents and any comments received were reviewed and considered.

Section 3. A Negative Declaration (ND-05-04) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 05-31.

Section 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Council of this City after duly noticed public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto at which the City Council reviewed and considered the appropriate documents and any comments received, whether orally or in writing.

Section 7. The City Council has reviewed and considered the Negative Declaration for this project and has adopted same before consideration of this Ordinance.

Section 8. The City Council based on the evidence within the staff report and project file find as follows:

- 1) that the rezone to PD(37) will not adversely affect surrounding properties.

2) that the rezone to PD(37) is consistent with the Lodi General Plan diagram, policies and standards. There is no applicable specific plan for the area.

3) that the property, with a PD(37) zone, will have no adverse effect on wildlife and vegetative habitat.

Section 9. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 10. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 16th day of November, 2005.



JOHN BECKMAN
Mayor

Attest:


SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1766 was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held November 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None


ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1766 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


D. STEPHEN SCHWABAUER
City Attorney

